

**REMARKS**

In the Office Action, the Examiner rejected claims 1-27. By this paper, Applicants have amended claims 1, 5, 16, 19, 24, and 25. These amendments do not add any new matter and support for the amendments may be found at least by viewing FIG. 2 of the originally filed specification. Upon entry of these amendments, claims 1-27 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

**Claim Rejections under 35 U.S.C. § 101**

In the Office Action, claims 1-15 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. The Office Action alleged:

Claims 1-15 are directed to a signal processor and a communications system. The specification states that a signal processing unit may be implemented by software, hardware, or a combination of both (see page 18 of the specification). Thus, a signal processor includes embodiments comprising only software (computer programs). Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. Similarly, claim 5 defines the communications system as comprising a telephony server and a browser module. But the specification states that the telephony server and browser module may include only software. Therefore, claims 1-15 include non-statutory subject matter.

Office Action, pages 2-3.

Claims 16-18 and 25-27 do not fall within one of the four statutory categories of invention. While the claim(s) recite a series of steps or acts to be performed, a statutory "process" under 35 USC 101 must (1) be tied to another statutory category (such as a manufacture or a machine), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claim(s) neither transform underlying subject matter nor positively recite structure associated with another statutory category, and therefore do not define a statutory process.

In this case, claims 16-18 do not recite any statutory physical structure that could be considered to tie the method to another statutory category.

Office Action, page 3.

Claims 25-27 are directed to a method for manufacturing a telephony system comprising the single step of providing a signal processing device. As described above, a signal processing device may include only software. Thus, the act of providing the signal processing device includes the act of providing only software. Claims 25-27, therefore, are not tied to another statutory category.

Office Action, page 3.

#### ***Claims 1-15***

The Office Action alleges that independent claims 1 and 5 include embodiments directed only to software, citing page 18 of the original specification. That is, the Office Action appears to suggest that the recited signal processor, telephony server, and browser module comprise software. This conclusion is unfounded.

The specification describes either or both of the telephony server and the browser module may be based on a *signal processing unit capable of implementing* some or all of the techniques described herein, such as through software, hardware, of any suitable combination thereof. *See* specification, page 18. (Emphasis added.) That is, the specification clearly describes a device, i.e. a signal processing unit, which *implements* techniques that may be performed by software. However, the specification does not suggest that either the telephony server and/or the browser module are software *themselves*. Indeed, the specification, as set forth above, clearly describes the telephony server and the browser module as, for example, a signal processing unit, i.e. a device, which may merely *utilize* software for operation. Furthermore, there is no suggestion in the specification that the signal processing unit is *itself* software. Rather, the signal processing unit is a device that *utilizes* software. It should be noted that a device that utilizes software to perform a technique is not equivalent of the software itself.

Accordingly, the telephony server and the browser module, as well as the signal processing unit, are described in the specification as devices, which qualify as patentable subject matter under Section 101. Accordingly, Applicants respectfully request the withdrawal of the Section 101 rejection of independent claims 1 and 5, as well as all claims depending therefrom.

***Claims 16-18***

Applicants have amended claim 16 to recite a discrete *physical structures* (i.e., first and second processing hardware) that performs the recited method steps. Accordingly, Applicant respectfully suggests that amended claim 16 cannot be read as reciting purely mental steps that are untied to one of the four statutory categories of invention recited in 35 U.S.C. § 101. As such, Applicants submit that the current amendment obviates the Section 101 rejection and, as such, Applicants respectfully request the withdrawal of the Section 101 rejection of claim 16, as well as all claims depending therefrom.

***Claims 25-27***

The Office Action alleges that independent claim 25 recites a signal processing device that includes only software. Applicants respectfully submit, as set forth above with regard to independent claims 1 and 5, that the specification clearly delineates that the signal processing unit is a device, and, as such, is patentable under Section 101. *See* Specification, page 18. Accordingly, Applicants respectfully request the withdrawal of the Section 101 rejection of independent claim 25, as well as all claims depending therefrom.

**Claim Rejections under 35 U.S.C. § 102**

In the Office Action, claims 1, 3-5, 7, 8, and 11-25 were rejected under 35 U.S.C. § 102(e) as anticipated by Neuberger et al., U.S. Pub. No. 2004/0153322 (hereinafter “Neuberger”). Applicants respectfully traverse this rejection since the cited reference fails to disclose each and every limitation of the claimed invention.

***Omitted Features of Independent Claims 1, 5, 16, 19, 24, and 25***

Neuberger fails to disclose each element of independent claims 1, 5, 16, 19, 24, and 25. Independent claim 1 recites, in part, “the composite grammar including multiple levels of a menu hierarchy for a plurality of applications...the token corresponds to an entry point for

one of a plurality of applications...to access the respective application at the entry point by navigating through the levels of a menu hierarchy of the plurality of applications upon receipt of the token.” (Emphasis added.) Similarly, independent claim 5 recites, in part, “access an entry point for one of a plurality of applications based upon the token by navigating levels of a menu hierarchy of the plurality of applications.” (Emphasis added.) Independent claims 16, 19, and 24 recite, in part, “accessing an entry point of one of the plurality of applications...the entry point is accessed directly at a level of a menu hierarchy of the one of the plurality of applications.” (Emphasis added.) Finally, independent claim 25 recites, in part, “access an entry point of one of the plurality of applications...the entry point corresponds to a level of a menu hierarchy and is accessed by navigating through levels of the menu hierarchy of the plurality of applications.” (Emphasis added.)

Accordingly, each of independent claims 1, 5, and 25 recite accessing an entry point of one of a plurality of applications by navigating through the levels of a menu hierarchy of the plurality of applications. For example, accessing an entry point for a plurality of applications by navigating through levels of a menu hierarchy may allow for navigation between applications without exiting the applications. See specification, page 18, lines 8-10. Similarly, independent claims 16, 19, and 24 recite an entry point is accessed directly at a level of a menu hierarchy of the one of the plurality of applications. That is, a constituent of the composite grammar may be utilized to directly access a specific level of a menu hierarchy across a plurality of various applications. See specification, page 16, lines 12-17 and page 18, lines 5-10.

In contrast, Neuberger describes a system that, at best, appears to allow a user to preemptively respond to a subsequent prompt of a *single* application before the prompt is delivered. See Neuberger, paragraph 11. That is, for a given *single* application, a user may transition not just to the next state, but to a subsequent state of that same application along a given path. See *id.*, paragraph 14. For example, as seen in FIG. 3 of Neuberger, a user may enter an application to adjust the settings of a system (ref. 114). From this point in the “settings” application (at point 114 of FIG. 3), a user may, for example, access either the passcode 140 or notification 142 user response without waiting for a prompt. That is, a user may transition to a subsequent state of a single application preemptively. However, any

navigation through a given application, i.e. either a message application, a settings application, or a greetings application, is performed within that application. That is, Neuberger does not describe accessing *other* applications from inside of a single application. For example, a user at the setup state 122 may not access the delete response 136 because it is in a different application. Similarly, the user at the setup state 122 may not access the record response 151 because it is in a different application. Accordingly, Neuberger appears to only describe a system with speak ahead capabilities for a given application, that is, the available grammars must correspond to a state in a *specific* application, while grammars not corresponding to that application will be rejected. *See* Neuberger, paragraphs 29, 31, and 33.

Thus, Neuberger cannot be read as accessing an entry point of one of a plurality of applications by navigating through the levels of a menu hierarchy of the plurality of applications because Neuberger describes, at best, navigation through a menu of a single application, and not through a menu hierarchy of the plurality of applications, as recited in each of independent claims 1, 5, and 25. Similarly, Neuberger cannot be read as accessing an entry point of one of a plurality of applications, wherein the entry point is accessed directly at a level of a menu hierarchy of the one of the plurality of applications, as recited in independent claims 16, 19, and 24, under similar reasoning to that applied above with respect to independent claims 1, 5, and 25. Therefore, Neuberger fails to disclose all elements of independent claims 1, 5, 16, 19, 24, and 25, and, thus, cannot anticipate the claims under Section 102. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of independent claims 1, 5, 16, 19, 24, and 25, as well as all claims depending therefrom.

#### **Claim Rejections under 35 U.S.C. § 103(a)**

In the Office Action, claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Neuberger in view of Busayapongchai et al., U.S. Patent No. 6,944,594 (hereinafter “Busayapongchai”). In addition, claims 6, 9, and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Neuberger in view of Denenberg et al., U.S. Patent No. 7,158,936 (hereinafter “Denenberg”). Finally, claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Neuberger in view of Dressler et al., COTS SAR Processing Software (hereinafter “Dressler”). Applicants respectfully traverse these rejections.

***Omitted Features of Claims 2, 6, 9, 10, 26, and 27***

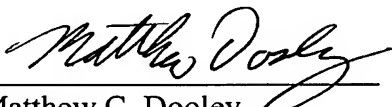
Applicants have reviewed Neuberger, Busayapongchai, Denenberg, and Dressler, however, none of Neuberger, Busayapongchai, Denenberg, and/or Dressler appear to teach, either alone or in combination, the recited elements of independent claims 1, 5, 16, 19, 24, and 25 discussed above with respect to the Section 102 rejection. Accordingly, based at least on their dependence from the independent claims, Applicant asserts that claims 2, 6, 9, 10, 26, and 27 are allowable. As such, Applicant respectfully requests withdrawal of the rejection and allowance of claims 2, 6, 9, 10, 26, and 27.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 23, 2009

  
Matthew C. Dooley  
Reg. No. 61,996  
FLETCHER YODER  
7915 FM 1960 West, Suite 330  
Houston, TX 77070  
(281) 970-4545